

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Initially, the Examiner's assistance is requested to clarify and correct some of the USPTO records for this application.

First, it is noted that the outstanding Office Action is mis-addressed. On March 1, 2004, the undersigned filed a Correspondence Address Indication Form (copy attached together with a copy of the USPTO postcard receipt therefore) requesting that future correspondence be directed to the address associated with our customer number 23117. For over two years now we have been getting mail at our new address (recited below my signature to this present amendment). Accordingly, it is clear that the USPTO has failed to properly associate our customer number 23117 with this application. The Examiner's assistance is requested to properly get the Correspondence Address Indication Form filed March 1, 2004 made of record such that all future correspondence in this case is properly addressed.

Second, it has been noted that there is no accessible electronic file wrapper for this case available on the USPTO Private PAIR system. Perhaps this itself is an indication of something gone awry with respect to the USPTO records for this case.

Thirdly, the Examiner has not mentioned or returned the Form PTO-1449 submitted with applicant's Information Disclosure Statement of October 31, 2001. A copy of the Second Preliminary Amendment and Information Disclosure Statement filed October 31, 2001 is attached together with a copy of the USPTO postcard receipt acknowledging same. Consideration of all the references cited in the IDS and return of a fully initialed copy of the Form PTO-1449 is respectfully requested.

With respect to the IDS, it is noted that a similar IDS filed in related co-pending application 09/914,295 on October 31, 2001 was considered, initialed and returned by the same Examiner handling this present case.

Finally, it is noted that the Examiner has cited two additional references in the present application that were not cited in the related co-pending application 09/914,295 (Nelson '132 and Bradshaw '388). Accordingly, an IDS is being filed in the parallel case to ensure that all the same prior art is being considered in these two related cases.

The Examiner's attention is also drawn to the attached Form PTO/SB/08a and to the document cited therein. The IDS fee for this stage of prosecution is also attached and the Examiner is requested to carefully consider and make of record all such identified documents.

Finally, while the Office Action Summary correctly refers to pending claims 1-22, the body of the Office Action erroneously refers to a claim "23". However, during the international phase, substitute pages 32-35 were presented providing an amended claim set of 1-22 for entry into the U.S. national phase. These amended sheets were filed when the national phase papers were filed herein. Indeed, the official filing receipt in this application only refers to 22 claims. Nevertheless, for some unexplained reason, the Examiner seems to have acted with respect to the unamended original PCT application claims 1-23. Attention is directed to the amended sheets of claims filed during the international phase as well as to the Preliminary Amendment applicant filed on August 27, 2001 eliminating multiple claim dependencies.

The rejection of claims 1-15 and "23" under 35 U.S.C. §103 as allegedly being made "obvious" based on Peters '284 in view of Hogan '528 is respectfully traversed.

Peters is concerned with a Cable Service Provider company General management computer system. Naturally, such a system does include a billing function and this is mentioned

in Peters, but more as an aside than as the core part of the Peters teaching (which seems to be about a method of controlling a device referred to in Peters as a “cable converter” or simply as a “converter”). As explained at 5:24-37 of Peters, a “cable converter” is a device located at each subscriber’s dwelling which performs television signal decoding to enable “special channels” to be watched by the subscriber either permanently or on a pay-per-view basis (what is often referred to as a cable box).

Peters does discuss billing abilities of the system (referred to generally as SAM), albeit somewhat in passing, at 29:3-20 which is the first portion of Peters referred to by the Examiner. However, this paragraph simply states that the system is able to gather together relevant data for generating a bill and then to generate such a bill. No information is given as to how this is done (which is not that surprising since it is rather peripheral to the Peters teaching). In particular, Peters does not describe assigning a charge type identifier (CTI) to each of a number of usage records. Applicant is not suggesting that it has invented the general concept of automatically generating a bill from usage data - this was of course common general prior art knowledge. In this portion of Peters therefore, all that can really be said to be “taught” is the common general knowledge of automatically assembling usage data together into a format suitable for presenting as a bill to a user. Furthermore, this is all that is taught by Peters in respect of bill generation in the entire document (again, since bill generation is not a major concern of the Peters teaching this is not surprising).

The second portion of Peter’s referred to by the Examiner (17:39-67 to 18:23) has nothing to do with bill generation at all. It is concerned with something which is more relevant to the actual “invention” of Peters, namely of how to use SAM to modify information stored by SAM about a particular cable converter device such as its location, etc. Contrary to the

Examiner's implicit assertion, there is nothing in this section which corresponds to a charge type identifier. Thus there is no disclosure of processing each usage record in dependence upon its assigned CTI to produce a bill image.

The Examiner then concedes that the feature of the format of a created bill image being dependent on a CTI of the usage records is not disclosed in Peters. However, in fact, there is no disclosure of even the assignment of CTIs to usage records either--or their use in creating a bill image in any way at all.

Hogan is concerned with an electronic billing system. The general architecture of the overall system is that there is an electronic bill payment service provider which acts as an intermediary between a number of "payees" (i.e. people who generate bills and want them to be paid by their customers) and a number of "subscribers" (i.e. customers being billed). Hogan is concerned primarily with the intermediary bill payment service provider, and not with the operation of individual payees. All that is said about bill image generation in Hogan appears at 4:53 to 5:14, where it simply states that each payee, instead of printing out a bill image, sends it to a bill capture device 150, "after the images are created but before they are printed".

Since, naturally, the payees are responsible for generating bills for sending to their clients, it is only reasonable that the intermediary service provider should not thereafter edit the bill image (since this could then result in a customer of the payee being misled about the amount of money owed, etc.) or even generate new ones, and it is not therefore surprising that there is no disclosure in Hogan of the intermediary system generating bill images at all. Rather the bills are provided by the intermediary system to the subscribers for viewing in the exact same format as that in which they were received from the payees. Also, since Hogan is not really concerned with how the payees generate their bill images, it is again not surprising that Hogan

again fails to disclose how an individual payee generates a bill image and so there is no disclosure of assigning a CTI to each of a number of usage records, or of processing each usage record in dependence upon its assigned CTI to produce a bill image, or of the format of the bill image being dependent on the CTIs of the usage records.

The examiner refers to Hogan 4:36-67 to 5:43 (sic) as support for his assertion that Hogan suggests having a format of the bill image being dependent on the CTIs of the usage records. However, the referred to portion of Hogan does not contain any such suggestion. Rather, the cited passage seems only to clearly describe how payees send their bills to a bill capture device of the intermediary system which then forwards the bills on to a web server from where subscribers may view and pay their bills (in the exact same form in which the payees sent them to the intermediary). There is no disclosure of generating a bill image in any way whatsoever, let alone in such a way that the format of the bill image is dependent on the CTIs of the usage records.

In view of the fundamental deficiencies of each of these references (as well as both of the references even if considered *arguendo* in combination) with respect to applicants independent claim 1 makes it unnecessary to discuss the further deficiencies of these references with respect to additional features brought out in the rejected dependent claims.

The rejection of claims 16-22 under 35 U.S.C. §103 as allegedly being made “obvious” based on Peters/Hogan in further view of Kang ‘852 is also respectfully traversed. The fundamental deficiencies of Peters and Hogan have already been noted above with respect to independent claim 1. These same deficiencies are also present with respect to applicants independent claim 22. Kang does not supply those deficiencies. Accordingly, it is not necessary

at this time to detail the additional deficiencies of this allegedly "obvious" three-way combination of references with respect to the additional features of these claims.

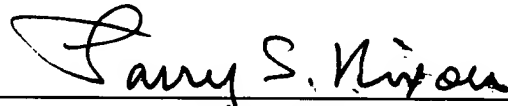
Nevertheless, it is noted that although applicant clearly does not claim to be the first to provide a discount scheme to charges, Kang clearly does not teach assignment of the CPI to each of plural generated usage records (a usage record being generated for each discount) to create a number of discount usage records. The Examiner alleges such to be taught at Kang 13:1-27. However, this portion of Kang merely teaches a date coding scheme which includes, *inter alia*, a holiday table having a maximum 366 records. While it does teach a flexible charging by day/time capability, it does not appear to have anything whatsoever to do with a charge-type identifier being assigned to each generated usage record, etc.

Accordingly, this entire application is now believed to be in allowable condition and a formal notice to that effect is respectfully solicited.

Respectfully submitted,

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